



SJMO Hospital
Policy & Procedure

POLICY CODE

125-HPP-Y-4

SUBJECT:

Employee Discipline

Exhibit -

PURPOSE:

To ensure that disciplinary action is administered on a fair, equitable and consistent basis according to the SJMO-MO commitment to promoting quality improvement and safety in all processes, systems, and actions.

POLICY:

The St. Joseph Mercy Oakland-Member Organization (SJMO-MO) is committed to providing a learning environment in all aspects of our work. This learning environment promotes quality improvement and safety in all processes, systems, and actions. The key to enhancing quality and safety is building trusting and respectful relationships with patients, employees, Medical Staff, and volunteers that is reflective of the Trinity Health values.

PROCEDURE:

Discipline is issued when an employee: (1) deliberately disregards established rules, regulations, policies, procedures, processes or systems; or (2) is involved in criminal activity; or (3) provides false information in the course of performing their job responsibilities.

The specific level of discipline issued is dependent upon the seriousness of the infraction. SJMO-MO recognizes **Section A - Minor Infractions** and **Section B - Major Infractions**. Infractions that relate to the making or reporting of errors/injuries or "near misses" (potential conditions for error or injury), hazardous conditions or aberrant behavior will be addressed separately in Policy 125 AAA

A. MINOR INFRACTIONS

Minor infractions will result in an employee being issued discipline in a progressive manner based upon the seriousness of the infraction. Normally, the progression will be as follows:

- | | | |
|----------------------------|---|---------------------------|
| 1 st Infraction | - | Written Warning |
| 2 nd Infraction | - | Written Reprimand |
| 3 rd Infraction | - | Suspension Without Pay |
| 4 th Infraction | - | Final Warning |
| 5 th Infraction | - | Discharge From Employment |



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Minor infractions include but are not limited to:

1. unacceptable job performance
2. failure to adhere to departmental or SJMO-MO standards with respect to personal hygiene, grooming, clothing, and uniforms
3. rudeness to patients, employees, physicians, volunteers, vendors, or visitors
4. failure to promptly report an on-the-job injury within 24 hours to supervision
5. violation of minor security, fire, traffic, smoking, or parking regulations
6. unauthorized solicitation on the premises
7. failure to record/punch shift starting and/or shift ending time
8. failure to follow reasonable departmental call-in procedural guidelines
9. unauthorized absence from work area
10. presence in unauthorized area

B. MAJOR INFRACTIONS

Major infractions will result in an employee being issued either a Final Warning or Suspension Without Pay or Discharge based upon the seriousness of the infraction. **Major** infractions include but are not limited to:

1. theft, removal or unauthorized possession, tampering, or use of property belonging to another employee, patient, visitor or SJMO-MO.
2. unlawful or unauthorized use, manufacture, possession, sale or transfer of illegal or controlled substances on or off SJMO-MO premises. Possession, abuse or unauthorized use of alcohol on SJMO-MO premises. Evidence of use or reporting to work under the influence of alcohol, illegal or controlled substances is based on reasonable cause to believe that an employee is not in a condition to perform her or his duties due to chemical impairment which may be evidenced by:
3. inability to perform assigned job
4. undesirable influence (such as breath, behavior, uncooperativeness toward patients, staff, visitors and/or other employees).
5. refusing to submit to medical evaluation including testing when reasonably suspected of being under the influence of alcohol or drugs
6. immoral conduct or indecency on the SJMO-MO premises
7. punching another employee's timecard or having another employee punch your time card
8. falsification of payroll or other SJMO-MO records
9. falsification of identifying self or business purpose or actions with patient, another employee or the public
10. fraudulently reporting unavailability for work
11. assault
12. sabotage
13. using obscene, abusive or threatening language
14. mistreatment of patients, employees, physicians, volunteers, vendors, or visitors
15. possessing firearms, knives or other unauthorized dangerous materials on the SJMO-MO premises
16. willful destruction of SJMO-MO property
17. insubordination (willful disobedience of an order given by the supervisor which does not pose a safety problem for the employee).

DATE: 6/10

SUPERSEDES: 8/08

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18. sleeping or assuming the posture of sleep while on duty
19. unauthorized ordering, access, possession, use, copying or revealing information about SJMO-MO business and activities or about employees'/patients' conditions, business, or activities
20. lack of compliance with the Trinity Health Organizational Integrity Program or the
21. Organizational Integrity Program's Standards of Conduct or other laws and regulations relating to Trinity Health business activities.
22. performance that causes grave harm/potential grave harm to the patient or SJMO-MO
23. gambling on SJMO-MO property
24. improper or negligent acts that cause damage to, waste of, or loss of material, supplies,
25. equipment, facilities, or other property of SJMO-MO, or of a patient, an employee, or a visitor
26. failure to assist a patient if such service is within the scope of the employee's duties or is required by reason of an emergency relating to the patient
27. behavior which creates a hostile work environment such as threatened or actual physical violence, sexual harassment, racial harassment, or verbal abuse of a patient, visitor, staff, or another employee
28. walking off the job (abandonment of position)
29. conviction of a felony which has an adverse impact on the business condition of SJMO-MO

The employee's Director must consult with and receive the approval of both their respective Vice President and the Vice President for Human Resources prior to assessing such discipline. A complete review of the incident will occur and a determination made of its' seriousness and effect on patient care or employee morale. Also, the employee's past record will be reviewed by the Vice President for Human Resources who will recommend the appropriate level of disciplinary action consistent with action taken within SJMO-MO.

GENERAL:

SJMO-MO management reserves the right to exercise discretion to assess lesser or greater discipline based on the employee's record and extenuating or mitigating circumstances.

Active discipline for the purpose of issuing successive steps in the disciplinary action process cannot extend beyond two years from the date of the initial incident except in the case of discipline issued for Major infractions.

Completed Disciplinary Action forms containing all required information and signatures must be forwarded to Human Resources promptly for processing and filing. The employee copy should be given to the employee during the disciplinary conference.

The Human Resources Department is responsible for the interpretation and administration of this policy.

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SUPERSEDES: 8/08

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ANE J. MCNEIL

August 10, 2011

<p>29</p> <p>1 this employee; is that correct?</p> <p>2 A. No.</p> <p>3 Q. Well, there were prior issues such that he or she was</p> <p>4 issued a final written warning; correct?</p> <p>5 A. Correct.</p> <p>6 Q. And presumably a final written warning implies that</p> <p>7 there were issues prior to that; correct?</p> <p>8 A. Not necessarily, no.</p> <p>9 Q. Do you know in this case whether the final written</p> <p>10 warning was literally the first disciplinary action this</p> <p>11 person had received or not?</p> <p>12 A. Outside of this person receiving discipline for</p> <p>13 attendance, which is a separate disciplinary tract, I</p> <p>14 believe it was.</p> <p>15 Q. So, they had an issue two, plus, years back, and then</p> <p>16 they had another issue in 2011; correct?</p> <p>17 A. Correct.</p> <p>18 Q. What, if any, action was taken after this individual was</p> <p>19 issued a final written warning to ensure that those</p> <p>20 behaviors didn't repeat; if you know?</p> <p>21 A. I don't know.</p> <p>22 Q. Was that employee counseled?</p> <p>23 A. Yes.</p> <p>24 Q. By whom?</p> <p>25 A. Would have been counseled by her management.</p>	<p>31</p> <p>1 that investigation; if you know?</p> <p>2 A. I believe both parties were interviewed, and there may</p> <p>3 have been other interviews as well. Witnesses or —</p> <p>4 management was interviewed as far as awareness.</p> <p>5 Q. Am I correct that generally HR wants to get both sides</p> <p>6 of the story in conducting an interview?</p> <p>7 Scratch that.</p> <p>8 In an investigation?</p> <p>9 A. Generally.</p> <p>10 There are times that we may not.</p> <p>11 Q. Why would the hospital in some scenarios not want to</p> <p>12 speak with a party that was alleged to have done</p> <p>13 something improper?</p> <p>14 A. There may be times that that party may have — the</p> <p>15 actions may have been so severe that what they may have</p> <p>16 said — I mean if they said they didn't do it and</p> <p>17 everybody else was not speaking the truth, the hospital</p> <p>18 has — I, HR, has a responsibility to make a judgment</p> <p>19 call based on the information that I'm receiving.</p> <p>20 Q. How many times have you been aware that the accused, so</p> <p>21 to speak, was not interviewed as part of the</p> <p>22 investigation?</p> <p>23 A. That I'm recalling right now?</p> <p>24 Q. Yeah.</p> <p>25 A. I would say one time that I'm aware of.</p>
<p>30</p> <p>1 Q. Was there some specific plan, like action plan or</p> <p>2 corrective plan, put in place that was reviewed</p> <p>3 periodically with the employee to see if he or she was</p> <p>4 complying?</p> <p>5 A. I'm not aware if that was.</p> <p>6 Q. Is that something that the hospital sometimes utilizes</p> <p>7 or not? An actual plan?</p> <p>8 A. Yes.</p> <p>9 Q. And you don't know the specifics of the prior issue that</p> <p>10 resulted in this person being put on a final written</p> <p>11 warning?</p> <p>12 A. I don't recall specifically, and I don't want to guess.</p> <p>13 Q. Okay. But it would have had to have been a major</p> <p>14 infraction, presumably, to have been issued a final</p> <p>15 written right off the bat?</p> <p>16 A. Yes.</p> <p>17 Q. And how long did you say that investigation took?</p> <p>18 A. It may have taken anywhere from three to five days.</p> <p>19 Q. Okay. And was the individual who was accused of the</p> <p>20 inappropriate behavior interviewed as part of that</p> <p>21 investigation?</p> <p>22 A. Yes, she was.</p> <p>23 Q. And with respect to the other investigation you</p> <p>24 mentioned in 2011 having to do with Dietary Department,</p> <p>25 nonmanagement employees, who was interviewed as part of</p>	<p>32</p> <p>1 Q. And that was Susan Zonia or —</p> <p>2 A. No.</p> <p>3 Q. — someone else?</p> <p>4 A. That was someone else.</p> <p>5 Q. Was Susan Zonia interviewed as part of the</p> <p>6 investigation?</p> <p>7 A. I did not speak with Susan.</p> <p>8 Q. Do you know if she was interviewed or not?</p> <p>9 A. She was spoken to by Martha and Don.</p> <p>10 Q. When she was fired; right?</p> <p>11 A. Correct.</p> <p>12 Q. Is that considered an investigative interview? When</p> <p>13 you're spoken to at the time you're fired?</p> <p>14 A. She had an opportunity to ask for additional</p> <p>15 information. She also had an opportunity to utilize our</p> <p>16 problem-solving procedure process.</p> <p>17 Q. Okay. That wasn't my question.</p> <p>18 MS. LAUGHBAUM: Could you read the question back?</p> <p>19 THE REPORTER: (Reading.)</p> <p>20 "Question: Is that considered an</p> <p>21 investigative interview? When you're spoken</p> <p>22 to at the time you're fired?"</p> <p>23 A. No.</p> <p>24 BY MS. LAUGHBAUM:</p> <p>25 Q. Who's the other person that you're thinking of that was</p>



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August 10, 2011

Received for Filing Oakland County Clerk 2011 SEP 16 AM 10:31

<p>41</p> <p>1 Q. Okay. So, before the break we were discussing how you 2 were going to give me certain information regarding the 3 other management level or above people that you've been 4 involved in investigating in the last few years, and I 5 think preliminarily, at least, we've agreed to talk 6 about the departments and the job titles; is that right? 7 MR. GUNSBURG: No. Just the departments, and they 8 were management individuals. 9 MS. LAUGHBAUM: Okay. All right. 10 BY MS. LAUGHBAUM: 11 Q. What were the -- 12 MR. GUNSBURG: The question had to do with 13 terminations she was involved with. 14 MS. LAUGHBAUM: That's correct. 15 MR. GUNSBURG: Okay. 16 MS. LAUGHBAUM: Okay. So, we're on the same page. 17 BY MS. LAUGHBAUM: 18 Q. So, there were two individuals besides Susan Zonia? 19 A. Correct. 20 Q. And what were the departments of each of those 21 individuals? 22 A. One department was Radiology the second department was 23 Urgent Care. 24 Q. Okay. So, these are employees that ended up being fired 25 following an investigation; correct?</p>	<p>43</p> <p>1 investigation that led to the termination was a very 2 short period of -- there wasn't an investigation that 3 actually led to the termination. There were allegations 4 being made by the associate, the supervisor, against the 5 other member of management, and then another person who 6 ultimately was terminated was also making allegations 7 against that person. 8 So, there were various sessions and meetings held 9 by both myself, the VP of that work area. 10 So, I wouldn't necessarily call it an investigation 11 that led to the termination. 12 Q. All right. Well, how long was the whole process? 13 A. About ten months. 14 Q. And that was from the allegations surfacing to this 15 female manager in Radiology being terminated; correct? 16 A. There was -- not necessarily. 17 Q. Okay. 18 A. The allegations that both parties were making were not 19 fully substantiated, and the decision to terminate was 20 based on the inappropriate or lack of leadership that 21 the other manager was providing to the department. 22 MR. GUNSBURG: The higher level manager? Is that 23 who you're talking about? 24 A. The higher level manager, yes. 25 BY MS. LAUGHBAUM:</p>
<p>42</p> <p>1 A. Yes. 2 Q. And what was your role with respect to the investigation 3 of the Radiology person? 4 A. The -- I wasn't the first HR person involved. The 5 associate that filed the complaint was also a member of 6 management and had been speaking to one of my 7 subordinates at the time. 8 At the point where I got involved, he wasn't 9 available to speak with her. So, the nature of it was 10 inappropriate -- allegations of inappropriate remarks, 11 comments; feelings of intimidation. 12 Q. What was the gender of the Radiology -- what was the 13 gender of the person fired? 14 A. Female. 15 Q. What was the gender of the management associate who 16 filed the complaint? 17 A. Female. 18 Q. And what were the inappropriate remarks? 19 A. Remarks such as -- you know, basically threatening their 20 jobs. So, "If you don't," kind of, "do it my way, 21 Woodward is right there." 22 Q. Was the person that was fired a physician? 23 A. No. 24 Q. And how long was that investigation; if you know? 25 A. Well, the investigation -- I wouldn't -- the</p>	<p>44</p> <p>1 Q. What was the ten months? What was the process that took 2 ten months? 3 A. Employee A coming to HR saying, you know, "Here's my 4 complaint." 5 The other -- the other higher level manager 6 saying -- you know, approaching HR, not necessarily 7 being called by HR, coming to HR and saying, "Well, I 8 have this issue." 9 So, it was just an ongoing kind of back and forth 10 situation between the two that both parties were talked 11 to together and also individually regarding their 12 actions. 13 Q. Did you conduct interviews in that matter, personally? 14 A. I spoke to both of them, yes. 15 Q. Do you know who else would have conducted interviews? 16 A. I wouldn't necessarily call them interviews. The VP of 17 that work area also spoke to them individually. 18 Q. Okay. Let's move to the Urgent Care situation. 19 Strike that. 20 The Radiology termination was what year? 21 A. 2011. 22 Q. And how about the Urgent Care termination? 23 A. 2010. 24 Q. What month in 2010; if you know? 25 A. You know, I don't recall.</p>



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<p>57</p> <p>1 Q. And what were they?</p> <p>2 A. Performance concerns.</p> <p>3 Q. Like?</p> <p>4 A. Not -- what I recalled is at that time they were going</p> <p>5 through a medical chart audit, making sure that the</p> <p>6 associates that are working in the back office or that</p> <p>7 are medical assistants are following the procedure of</p> <p>8 intake for a patient. So, making sure that they have</p> <p>9 documented the weight, the height and the reason why the</p> <p>10 patient is being seen.</p> <p>11 Q. And according to the -- was it the operations manager</p> <p>12 that said this wasn't happening? He or she had concerns</p> <p>13 that this person was not doing that properly?</p> <p>14 A. Not the operations manager. The Urgent Care manager.</p> <p>15 Q. Okay. But the e-mail came from the manager over the</p> <p>16 person that was fired?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And so there were irregularities or omissions in</p> <p>19 the -- did you say the intake process?</p> <p>20 A. From the perspective of the manager, yes.</p> <p>21 Q. Okay. So, what's the next thing that happened with</p> <p>22 respect to this whole investigation?</p> <p>23 A. The next thing that happened is, I started receiving</p> <p>24 phone calls from several employees from that location.</p> <p>25 Q. Okay. And they raised concerns about this person you</p>	<p>59</p> <p>1 manager?</p> <p>2 A. Yes.</p> <p>3 Q. And what did they complain of?</p> <p>4 A. Intimidating work environment, non-trusting environment,</p> <p>5 not knowing if they had a job to go to the next day,</p> <p>6 fear of retaliation, there were favorites in the</p> <p>7 department.</p> <p>8 So, they were afraid of saying anything or speaking</p> <p>9 up, because they didn't want to -- they didn't want to</p> <p>10 be subject to more of the same type of inappropriate</p> <p>11 behavior.</p> <p>12 Q. Okay. So, you listened to them.</p> <p>13 Did you take notes?</p> <p>14 A. Yes.</p> <p>15 Q. And what was the next step in the investigation?</p> <p>16 Was it at that point that you talked to the</p> <p>17 manager?</p> <p>18 A. No. It was at -- the manager had requested to speak</p> <p>19 with myself and her operations manager.</p> <p>20 My next step was to contact the operations manager</p> <p>21 and also Martha, as my boss, to notify them of the calls</p> <p>22 that I had received and the allegations that were being</p> <p>23 made.</p> <p>24 Q. How long did this whole process take?</p> <p>25 MR. GUNSBURG: What whole process?</p>
<p>58</p> <p>1 were investigating?</p> <p>2 A. Yes.</p> <p>3 Q. Do you know how they were prompted to call you?</p> <p>4 MR. GUNSBURG: Object to the form of the question.</p> <p>5 "Prompted."</p> <p>6 You mean why they called? What precipitated that</p> <p>7 call?</p> <p>8 BY MS. LAUGHBAUM:</p> <p>9 Q. Do you know what led them to call you?</p> <p>10 A. My understanding at the time is they were having similar</p> <p>11 issues that were raised in -- that were raised in the</p> <p>12 letter, and they called me.</p> <p>13 Q. Going back to the e-mail, you told me about one sort of</p> <p>14 specific performance concern that was in the e-mail.</p> <p>15 Were there any other specifics in the e-mail? Any</p> <p>16 more new information or specifics with respect to what</p> <p>17 this person was doing improperly?</p> <p>18 A. One other item that I recall was surrounding her</p> <p>19 disagreement with a performance evaluation that she had</p> <p>20 received. I can't recall the specifics around it.</p> <p>21 Q. All right. How many phone calls did you get from other</p> <p>22 employees?</p> <p>23 A. Well, the very next day was a Saturday. So, I had</p> <p>24 received four calls.</p> <p>25 Q. Were these from people that reported to the Urgent Care</p>	<p>60</p> <p>1 You mean from the complaint to --</p> <p>2 BY MS. LAUGHBAUM:</p> <p>3 Q. From the complaint to termination.</p> <p>4 A. About three weeks.</p> <p>5 Q. Okay. Is it then that you have the meeting with the</p> <p>6 manager and also the operations manager?</p> <p>7 A. Correct.</p> <p>8 Q. And what was the result of that meeting?</p> <p>9 A. All the allegations against her were false. She did</p> <p>10 nothing wrong.</p> <p>11 She did admit to having or engaging in</p> <p>12 inappropriate text messages with her staff in which she</p> <p>13 called out her cell phone and read me the text messages</p> <p>14 back and forth.</p> <p>15 Q. What was inappropriate about them?</p> <p>16 MR. GUNSBURG: Excuse me. Are you describing what</p> <p>17 the Urgent Care manager said?</p> <p>18 A. Yes.</p> <p>19 MR. GUNSBURG: Is that what you're saying?</p> <p>20 A. Yes.</p> <p>21 MR. GUNSBURG: Okay.</p> <p>22 BY MS. LAUGHBAUM:</p> <p>23 Q. So, you saw the text messages or she read you the text</p> <p>24 messages?</p> <p>25 A. She read me the text messages.</p>



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<p>85</p> <p>1 tell an employee that HR directed you do this. As a</p> <p>2 manager, you have the authority to make sure that</p> <p>3 policies and procedures are being followed. So, if</p> <p>4 indeed she did violate a policy, they have the right to</p> <p>5 speak to her instead of using HR as a method of</p> <p>6 communicating, if you will.</p> <p>7 Q. So, did Susie Swanson or Susan Zonia tell you that they</p> <p>8 had told Pat what Pat alleged?</p> <p>9 A. Yes.</p> <p>10 Q. And were either of them disciplined in any way for</p> <p>11 whatever it is they said to Pat Davis?</p> <p>12 A. No.</p> <p>13 Q. Now, Pat Davis reported directly to Susie Swanson;</p> <p>14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. And indirectly to Susan Zonia?</p> <p>17 A. Yes.</p> <p>18 Q. Are you aware that Pat Davis -- do you know how many</p> <p>19 times Susan Zonia had disciplined Pat Davis?</p> <p>20 A. I'm not aware.</p> <p>21 Q. Have you read Dr. Bignotti's deposition in this case?</p> <p>22 A. No.</p> <p>23 Q. Are you aware that the hospital takes the position that</p> <p>24 Ms. Davis should have been disciplined?</p> <p>25 MR. GUNSBURG: Object to the form.</p>	<p>87</p> <p>1 Q. And did you also learn that Pat Davis had included in</p> <p>2 those e-mails words to the effect that she was going to</p> <p>3 set Susan Zonia up to fail?</p> <p>4 A. No.</p> <p>5 MR. GUNSBURG: Object to the form.</p> <p>6 BY MS. LAUGHBAUM:</p> <p>7 Q. You did not become aware of that?</p> <p>8 A. No.</p> <p>9 Q. Have you ever learned of that since?</p> <p>10 A. No.</p> <p>11 Q. Any other complaints or concerns brought forward to you?</p> <p>12 I believe you told me there was just the one.</p> <p>13 A. Correct.</p> <p>14 Q. Had you ever received positive feedback in your capacity</p> <p>15 in HR with respect to Susan Zonia and the job she was</p> <p>16 doing?</p> <p>17 A. No.</p> <p>18 Q. So, what is the first thing -- I think it's uncontested</p> <p>19 that Dr. Zonia was fired on October 1st of 2010.</p> <p>20 When is the -- what's the first thing you would</p> <p>21 have become involved in with respect to any events</p> <p>22 leading up to her termination?</p> <p>23 A. I received a call from Martha on, I believe, September</p> <p>24 29th advising me that she was placed on administrative</p> <p>25 suspension.</p>
<p>86</p> <p>1 BY MS. LAUGHBAUM:</p> <p>2 Q. Did you ever learn that?</p> <p>3 A. No.</p> <p>4 Q. Did you understand that she had performance issues?</p> <p>5 A. I understood that from that conversation when I had</p> <p>6 contacted Susan and Zonia -- excuse me -- Zonia and</p> <p>7 Swanson. They had shared with me the nature of that</p> <p>8 discipline and then also mentioned a performance</p> <p>9 concern.</p> <p>10 Q. Were there also issues with Ms. Davis wearing something</p> <p>11 that violated the dress code?</p> <p>12 A. That was the nature of this conversation.</p> <p>13 Q. And the allegation was that she was showing cleavage or</p> <p>14 something to that effect?</p> <p>15 A. Yes.</p> <p>16 Q. Is that what she got upset about?</p> <p>17 A. Yes.</p> <p>18 Q. Is that the only issue that she -- is that the only</p> <p>19 disciplinary issue that she was discussing with you?</p> <p>20 A. Yes. At that time.</p> <p>21 Q. Did you ever become aware that Ms. Davis had sent out</p> <p>22 several e-mails calling Susan Zonia some nasty names?</p> <p>23 A. I was -- Susan and -- Susan Zonia and Susie Swanson</p> <p>24 shared with me during that call that Swanson -- that --</p> <p>25 yes, I was aware of that.</p>	<p>88</p> <p>1 Q. Why?</p> <p>2 A. Regarding an e-mail exchange between her and another</p> <p>3 physician.</p> <p>4 Q. Okay. Did you get any specifics at that time?</p> <p>5 A. I was given specifics regarding the nature of that</p> <p>6 e-mail exchange.</p> <p>7 Q. Did she send you the actual e-mail?</p> <p>8 A. No.</p> <p>9 Q. And who had placed Susan on suspension?</p> <p>10 A. My understanding, Don Bignotti.</p> <p>11 Q. And what was Martha asking you to do, if anything?</p> <p>12 A. She was making me aware that her and Don had spoken</p> <p>13 to -- they were requested to go up to the Medical</p> <p>14 Education Department. The staff wanted to speak with</p> <p>15 them. And they had requested a member of HR to talk</p> <p>16 with them regarding their concerns. So, she was making</p> <p>17 me aware that one of our associate relations specialists</p> <p>18 was going to be investigating.</p> <p>19 Q. Someone that reported to you was going to be</p> <p>20 investigating?</p> <p>21 A. Yes.</p> <p>22 Q. Who is that?</p> <p>23 A. His name is Ryan Hernandez.</p> <p>24 Q. Did he ever end up doing that?</p> <p>25 A. No.</p>



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August 10, 2011

<p>93</p> <p>1 They had requested to speak to HR regarding their</p> <p>2 concerns.</p> <p>3 Q. Did you say this was precipitated by an e-mail exchange</p> <p>4 with Susan Zonia and another physician?</p> <p>5 A. Yes.</p> <p>6 Q. Who was the other physician?</p> <p>7 A. Dr. Payne-Jackson.</p> <p>8 Q. And was Dr. Payne-Jackson interviewed as part of this</p> <p>9 process?</p> <p>10 A. I believe so.</p> <p>11 Q. Not by you?</p> <p>12 A. Not by me.</p> <p>13 Q. By whom?</p> <p>14 A. It's an assumption.</p> <p>15 By Don.</p> <p>16 Q. How, as you understood it, did this issue with</p> <p>17 Dr. Payne-Jackson flow into, if it did, these five or</p> <p>18 six people wanting to talk to HR?</p> <p>19 A. It's my understanding that there was an e-mail that</p> <p>20 Payne-Jackson had sent out. Susan had responded to the</p> <p>21 e-mail intending it to go to Susan Swanson stating</p> <p>22 something about -- I don't recall specifically, but</p> <p>23 giving her the cold shoulder will make her mad.</p> <p>24 Susie Swanson became aware of it. Payne-Jackson</p> <p>25 contacted or forwarded the e-mail to Don Bignotti.</p>	<p>95</p> <p>1 residency program.</p> <p>2 Q. Aren't they classified as administrative; if you know?</p> <p>3 A. No.</p> <p>4 Q. You don't know or they're not?</p> <p>5 A. I'm sorry.</p> <p>6 They are not.</p> <p>7 Q. What are they classified as?</p> <p>8 A. They're exempt staff.</p> <p>9 Q. What is the pay range of a medical education specialist?</p> <p>10 A. I don't recall.</p> <p>11 Q. Do you need a college degree for that position?</p> <p>12 A. I believe the job description states bachelor's degree</p> <p>13 or equivalent work experience.</p> <p>14 Q. Do they all have a bachelor's degree; if you know?</p> <p>15 A. I don't know.</p> <p>16 Q. And these individuals did not report directly to Susan</p> <p>17 Zonia, with the exception of Ms. Swanson; correct?</p> <p>18 A. Correct.</p> <p>19 Q. So, did you just meet with them and say, "Tell me</p> <p>20 whatever you want to tell me about Susan, and I'll write</p> <p>21 it down?" Or what was the format you followed? What</p> <p>22 were you trying to accomplish?</p> <p>23 A. What I said to each of them was, "I understand that you</p> <p>24 wanted to speak with me regarding concerns you have.</p> <p>25 Please understand that what you share with me will be</p>
<p>94</p> <p>1 making him aware of the situation. Susan Swanson met</p> <p>2 with Don and shared with him her concerns and her</p> <p>3 involvement with that e-mail, and based on that</p> <p>4 discussion is when HR was asked to step in, if you will.</p> <p>5 Q. Okay. Do you know if Dr. Zonia had a discussion with</p> <p>6 Dr. Bignotti about this e-mail?</p> <p>7 A. I believe so.</p> <p>8 Q. Do you know what was discussed?</p> <p>9 A. Not specifically, no.</p> <p>10 Q. Do you know whether Dr. Bignotti took the position that</p> <p>11 this was a minor issue, a non-issue or some serious</p> <p>12 concern?</p> <p>13 A. My understanding is a serious concern.</p> <p>14 Q. And that's based on what?</p> <p>15 A. His communication to me.</p> <p>16 Q. But you weren't privy to what he and Dr. Zonia actually</p> <p>17 discussed; correct?</p> <p>18 A. No.</p> <p>19 Q. So, you sat down with these people, and these are -- are</p> <p>20 they medical coordinators? Is that their job title?</p> <p>21 A. Medical education specialists.</p> <p>22 Q. Okay. And they are administrative people; correct?</p> <p>23 A. Not necessarily, no.</p> <p>24 Q. Well, what type of role do they play?</p> <p>25 A. They support program directors with the medical</p>	<p>96</p> <p>1 discussed on a need to know basis, and that you should</p> <p>2 not --" I discussed with them the no retaliation policy</p> <p>3 to put them at ease that they can speak freely to me.</p> <p>4 Q. Was Don Bignotti present as well?</p> <p>5 A. He was present for either two or three of the</p> <p>6 interviews.</p> <p>7 Q. Did he meet with anyone when you were not present? Do</p> <p>8 you know?</p> <p>9 A. No, I don't know.</p> <p>10 Q. Now, some of the individuals that you interviewed had</p> <p>11 been disciplined by Susan Zonia; correct?</p> <p>12 A. Pat Davis.</p> <p>13 Q. Any others?</p> <p>14 A. Not that I'm aware of, no.</p> <p>15 Q. Are you aware that Dr. Zonia had counseled Susie Swanson</p> <p>16 about coming in late on multiple occasions?</p> <p>17 A. No.</p> <p>18 Q. Did you ever learn that Susie Swanson was upset about</p> <p>19 that?</p> <p>20 A. No.</p> <p>21 Q. Did you ever learn that Susan had spoken to Susie</p> <p>22 Swanson, that is, Susan Zonia had talked to Susie</p> <p>23 Swanson about Susie appearing to be overly medicated on</p> <p>24 the job?</p> <p>25 A. No.</p>



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25

ANE J. MCNEIL

August 10, 2011

<p>97</p> <p>1 Q. Did you learn that Susie was open about the fact that</p> <p>2 she was under treatment for some mental health issues?</p> <p>3 A. No.</p> <p>4 Q. Have you ever learned that Ms. Swanson has mental health</p> <p>5 issues?</p> <p>6 A. Yes.</p> <p>7 Q. In the course of this litigation or previously?</p> <p>8 A. No.</p> <p>9 Q. I don't understand your answer.</p> <p>10 A. Not during the course of this investigation.</p> <p>11 Q. Okay. And how did you become aware of these issues with</p> <p>12 Ms. Swanson?</p> <p>13 A. Indirectly, I have -- I work with -- I shouldn't say</p> <p>14 "indirectly," but I have kind of a dotted line with our</p> <p>15 Employee Health Department.</p> <p>16 Q. Did you ever learn that Ms. Swanson on the job was</p> <p>17 fairly vocal about the mental health issues she was</p> <p>18 having and the fact that she was on medications for</p> <p>19 those issues?</p> <p>20 MR. GUNSBURG: Object to form.</p> <p>21 A. Can you repeat that?</p> <p>22 MS. LAUGHBAUM: Would you read that back?</p> <p>23 THE REPORTER: (Reading.)</p> <p>24 "Question: Did you ever learn that</p> <p>25 Ms. Swanson on the job was fairly vocal about</p>	<p>99</p> <p>1 at that time?</p> <p>2 A. No. But if concerns were raised regarding her, we would</p> <p>3 have looked into those.</p> <p>4 Q. Have you seen any paperwork generated as a result of</p> <p>5 this investigation other than your own handwritten</p> <p>6 statements?</p> <p>7 A. I don't know if I can answer that question.</p> <p>8 What type of paperwork?</p> <p>9 Q. Any paperwork.</p> <p>10 A. I've seen --</p> <p>11 Q. You know there's a one-page document? A termination</p> <p>12 document; correct?</p> <p>13 A. Yes.</p> <p>14 Q. And there's your handwritten notes of the people that</p> <p>15 you interviewed on September 30th, 2010?</p> <p>16 A. Yes.</p> <p>17 Q. Have you seen anything else with respect to the</p> <p>18 investigation? Anything else in writing at all?</p> <p>19 A. I saw the e-mail.</p> <p>20 I don't recall. I don't believe I've seen anything</p> <p>21 else.</p> <p>22 Q. Was there any summary put together of witnesses'</p> <p>23 testimony?</p> <p>24 A. No.</p> <p>25 Q. Or any recommendations put in writing that you saw?</p>
<p>98</p> <p>1 the mental health issues she was having and</p> <p>2 the fact that she was on medications for</p> <p>3 those issues?"</p> <p>4 A. No.</p> <p>5 BY MS. LAUGHBAUM:</p> <p>6 Q. Did Susie Swanson appear to be credible to you?</p> <p>7 A. Yes.</p> <p>8 Q. Have you subsequently learned that after Susan Zonia was</p> <p>9 gone, that the same people that gave statements about</p> <p>10 Susan Zonia have said that Susie Swanson has created a</p> <p>11 hostile work environment?</p> <p>12 A. No.</p> <p>13 Q. Was Susie Swanson investigated at any time by Human</p> <p>14 Resources; if you know?</p> <p>15 A. During my meeting with those associates, I asked them an</p> <p>16 open-ended question.</p> <p>17 Q. Which was what?</p> <p>18 A. "I understand you want to share concerns with me.</p> <p>19 Please feel free to do so," and shared the</p> <p>20 non-retaliation policy.</p> <p>21 Some shared with me concerns they had with Susie.</p> <p>22 Q. But this was in the context of an investigation into</p> <p>23 Susan Zonia's behavior; correct?</p> <p>24 A. Yes.</p> <p>25 Q. Susie Swanson was not the subject of the investigation</p>	<p>100</p> <p>1 A. No.</p> <p>2 Q. What did you do after you had compiled these notes?</p> <p>3 A. I met with Don and Martha.</p> <p>4 Q. On the 30th or the following day?</p> <p>5 A. On the 30th.</p> <p>6 Q. So, do you remember who you interviewed last on the</p> <p>7 30th?</p> <p>8 A. No.</p> <p>9 Q. I have Pat Davis at 3:00 p.m. I don't know if you had</p> <p>10 one subsequent to that.</p> <p>11 Do you know?</p> <p>12 A. I don't recall. I time and date my documents. So, if</p> <p>13 it says 3:00, that may have been my last meeting.</p> <p>14 Q. Do you remember when you met with Ms. Iafate?</p> <p>15 A. I recall it being somewhat -- sometime in the morning or</p> <p>16 afternoon.</p> <p>17 Q. Okay. And did you meet with Dr. Bignotti and Martha</p> <p>18 Murphy on September 30th?</p> <p>19 A. Yes.</p> <p>20 Q. And what was discussed?</p> <p>21 A. Discussed the nature of the meetings and shared with</p> <p>22 them that based on what I had -- the remarks that were</p> <p>23 made to me by the associates, and based on my review of</p> <p>24 our standards of conduct policy and employee discipline</p> <p>25 policy, that the behavior that is described is not</p>



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ANE J. McNEIL

August 10, 2011

<p>113</p> <p>1 Q. You know there is a policy?</p> <p>2 A. I believe there is one.</p> <p>3 Q. Do you know what the job shadow policy essentially says?</p> <p>4 A. No.</p> <p>5 Q. Do you know whether or not that proposed shadowing of</p> <p>6 his girlfriend's daughter, who's a nonmedical student,</p> <p>7 could raise HIPAA concerns?</p> <p>8 MR. GUNSBURG: Objection. Form of the question.</p> <p>9 A. I don't know.</p> <p>10 BY MS. LAUGHBAUM:</p> <p>11 Q. Did Ms. Zonia's termination fall within any of the</p> <p>12 categories on the employee discipline policy, Exhibit 1?</p> <p>13 A. Yes.</p> <p>14 Q. Which ones?</p> <p>15 A. Thirteen, 21, 27, and again I would say number 3.</p> <p>16 Q. All right. With respect to 27, hostile work</p> <p>17 environment, you're not claiming that Dr. Zonia singled</p> <p>18 out people based on some protected category, such as</p> <p>19 age, gender, religion, race or the like, are you?</p> <p>20 A. No.</p> <p>21 Q. What was the hostile environment based on?</p> <p>22 A. The fact that associates had concerns and were afraid to</p> <p>23 bring them forward because comments that Ms. Zonia made,</p> <p>24 such as, "I make a lot of money for this hospital. So,</p> <p>25 Jack Weiner would not get rid of me." Or, "I have</p>	<p>115</p> <p>1 not you had any reason to question her honesty or</p> <p>2 integrity?</p> <p>3 I think that was my question.</p> <p>4 A. There was another situation when we were conducting an</p> <p>5 investigation, and she was -- she was interjecting her</p> <p>6 own personal life experience onto this person, and when</p> <p>7 I spoke to her later that evening, I asked her if she</p> <p>8 could allow me to proceed with the investigation with</p> <p>9 her present, because she had set up a dynamic that was</p> <p>10 not appropriate.</p> <p>11 Q. Okay.</p> <p>12 A. And she relayed that as well.</p> <p>13 Q. How did that reflect on her honesty or integrity?</p> <p>14 You had a difference of opinion on how to conduct</p> <p>15 an investigation; correct?</p> <p>16 A. (Nods head.)</p> <p>17 THE REPORTER: I'm sorry. Is that --</p> <p>18 BY MS. LAUGHBAUM:</p> <p>19 Q. That's a "yes"?</p> <p>20 A. I didn't hear the question.</p> <p>21 Q. You had a difference of opinion with respect to how this</p> <p>22 investigation should be conducted; correct?</p> <p>23 A. Yes.</p> <p>24 Q. How did that -- my question had to do with Dr. Zonia's</p> <p>25 honesty or integrity.</p>
<p>114</p> <p>1 friends down the admin coordinator, and I'm</p> <p>2 untouchable."</p> <p>3 Q. Have you read Dr. Zonia's deposition transcript?</p> <p>4 A. I read half of it, yes.</p> <p>5 Q. Do you know that she vehemently disputes many of the</p> <p>6 allegations that have been made against her?</p> <p>7 A. Yes.</p> <p>8 Q. And you have worked with her in the past; correct?</p> <p>9 A. Yes.</p> <p>10 Q. You got along with her fine?</p> <p>11 A. Yes.</p> <p>12 Q. You found her to be credible at the time?</p> <p>13 A. At the time of what?</p> <p>14 Q. At the time you worked with her investigating residents.</p> <p>15 A. For the most part, yes.</p> <p>16 Q. And you didn't have any reason to question her on her</p> <p>17 honesty or integrity at that time; correct?</p> <p>18 A. No, you are not correct.</p> <p>19 Q. Why?</p> <p>20 A. There were times that during an investigation she may</p> <p>21 have -- she used inappropriate language in my presence,</p> <p>22 and I would comment -- I kind of said to her, "Susan,"</p> <p>23 you know. And she kind of laughed it off, if you will.</p> <p>24 Q. Okay. So, you didn't appreciate some of the language</p> <p>25 she would use, but how does that relate to whether or</p>	<p>116</p> <p>1 How did that translate in your mind to raising some</p> <p>2 issue about honesty or integrity because you disagreed</p> <p>3 with how she wanted to do an investigation?</p> <p>4 A. The way it translated to me was not questioning her</p> <p>5 honesty, but her integrity when it came down to her</p> <p>6 presence during the investigations. Her</p> <p>7 professionalism.</p> <p>8 Q. What was the integrity issue?</p> <p>9 Well, I already asked you about professionalism,</p> <p>10 and I think you testified however you testified. I</p> <p>11 believe you said you generally found her to be</p> <p>12 professional; correct?</p> <p>13 A. "For the most part," I responded.</p> <p>14 Q. So, what's the integrity issue?</p> <p>15 I don't understand your testimony.</p> <p>16 A. So, can you ask me the question again, please?</p> <p>17 Q. Yeah.</p> <p>18 I asked you if in your dealings with Dr. Zonia you</p> <p>19 had any reason to question her honesty or integrity.</p> <p>20 I'm trying to figure out what you're talking about.</p> <p>21 A. Okay. My response after discussing it with you is no.</p> <p>22 Q. Thank you.</p> <p>23 I'm going to show you what has been marked as</p> <p>24 Bignotti Deposition Exhibit Number 2. It's the</p> <p>25 disciplinary action which I think you reviewed prior to</p>



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Exhibit _____

SUMMARY OF GME STAFF COMPLAINTS ABOUT SUSAN ZONIA

Susan Swanson (Monzur).

- Dr. Zonia says F word a lot asked her to stop; Zonia says she has "freedom of speech";
- Tell staff she is "untouchable" because she is friend of higher management;
- Belittles staff;
- Tells Susan Swanson to give people "cold shoulder". eg Dr. Payne Jackson, Dr. Cotant;
- Has inappropriate conversations about Zonia's sex life. eg. comments about a doctor who stutters and makes me want to "pull his dick" to make him stop;
- Talks about her sex life with her boyfriend;
- Tells Swanson she shouldn't limit her sex life to her husband; talks about "cheating" on her boyfriend, had to give her boyfriend more blow jobs for helping her move;
- Refers to Swanson as her secretary and treats her as such;
- Calls management and doctors names like Dr. PJ is a "bitch", doctor at awards dinner an "ass";
- Makes negative comments about CEO of hospital;
- Makes negative comments about hospital training programs;
- Says she like to create atmosphere of fear;
- Said to throw away all the crucifixes;
- Says people who believe in God are stupid;
- Leaves early to meet with her boyfriend;
- She makes too much money for hospital so they won't fire her;
- Says Deb Reid, a staff employee, "needs to get laid".

Patricia Davis

- Told to throw away crucifix;
- Refers to Drs and other as "bastards";
- Intimidated, bullied and harassed for past 6 months, write ups given as harassment;
- Leaves early;
- Told her that her job is in jeopardy.

Muriel lafrate

- Tells her training programs are stupid;
- Uses F word;
- Refers to meetings as "waste of time";
- Always closes her door;
- Always does her nails;
- Smells like alcohol in the morning;
- Demeans us by always referring to herself as "the one with the PhD";
- Openly talks about her sex life
- Leaves work for dates;
- Referred to Reverend Moore as a "f__ing idiot"
- Disclosed Dr. PJ's surgery;
- Rude to staff.

EXHIBIT

7

28

Gail Molitor

- Tells staff that she's not happy with any of us;
- Refers to Kanzi as "lazy bastard";
- Strongly encourage us not to meet with Dr. Bignotti;
- Told "get with the program or bail";
- Belittles staff;
- Talks about people openly and makes remarks about others;
- Refers to hospital training programs and missions as "bunch of rumbaya"
- She has sarcastic and demeaning behavior.

Deb Reid

- Uses profanity in office, F word, called physician "bastard";
- Can't go to her, puts her hand up and dismisses me;
- Puts down religion;
- Sex discussions.

Deneen McCall

- SL is "dismissive"
- Refers to Dr. Payne Jackson as a "bitch";
- Refers to Dr. Dioczok as an "idiot";
- Door always closed, spends time doing her nails;
- Leaves early for dates;
- Talks about doctors she doesn't like;
- Talks about her sex life, dates, guys she goes out with;
- Talks about not caring about students so long as she get the money in;
- Constantly uses the F word;
- Dismissive of the staff;
- Refers to training programs as "stupid";
- Probes us for confidential information;
- Tell us she has friends in management and HR; and we are afraid to go to HR because Susan Zonia has friends in HR who protect her;
- I am very stressed; looking for another job.

AFFIDAVITS

1. Gail P. Molitor
2. Susan L. Swanson
3. Patricia A. Davis
4. Mariel Iafrate
5. Debra K. Reid
6. Deneen McCall

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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

SUSAN ZONIA,

Plaintiff,

v.

CASE NO. 11-116369-CD

HON. JAMES M. ALEXANDER

TRINITY HEALTH-MICHIGAN

d/b/a ST. JOSEPH MERCY

HOSPITAL, PONTIAC,

A domestic Corporation,

Defendant.

DEBORAH L. GORDON, PLC

Deborah L. Gordon (P27058)

Carol Laughbaum (P41711)

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Telephone: 248.646.9090

AFFIDAVIT

I have reviewed the attached notes taken which accurately reflect what I told Ane McNeil during the investigation of Susan Zonia. I adopt the attached notes as my true and accurate testimony regarding Susan Zonia.

Sign:

Print Name:

Date:

8-16-2011

Subscribed and sworn to before me this

16th day of August, 2011

Deborah L. Mission

Notary Public, State of Michigan

County of

Oakland

My commission expires:

02-10-2014

Acting in the County of:

Oakland

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Gail Molitor

9/30/10 2pm

Susie mid morning called Gail; wanted to check to see if she scheduled mtg w/ Dr.

later called Gail told her that bet you dr. - pulled evaluation gave to Don.

SZ - Not happy with any of us.

Mtg Thursday (Pat 75) one staff member crying 'what did I get myself into'
- Feb take this to Dr. B.

Discussed w/ all of them she told Dr. Z.

- Susan Z.

Kazri - lazy bastard (b/c she had to do paperwork)

Student that applied & went w/ another - bastard

- Shared w/ everyone what type of surgery PJ had - donna's going away pty

also Susan
w/ us

Strongly encouraged not to go to DB mtg
you work for us not the

2

- told Jewell, Don talked to Jewell (w/ her take care of).

last 2 months staff mtg. SS called 52 in for clarification - no longer print evals. Made comment on that is going to be difficult not to go to paper.

S.2 - 'Get with the program - bail'

9/29 - In group told staff she printed off text messages

- Read this one 'Why do we pay RT big money when Gail can do it with it - a high school diploma.'

15 min before Jessie shared w/ Gail M.

PJ no input on evals, evals were done between Donna & Zonia. Donna would smooth them out.

3.45 language was inappropriate - where did it come from - Zonia (Donna would tell her).

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Didn't want to ask questions b/c of how she was made to feel.

- RJ sent letter to ~~Doreen~~ & ~~Doreen~~

- from now on when you feel

Susan
Joik

overwhelmed just say 'you're overwhelmed'

Avoid med-ed when Susan is there

- ~~lunch~~ she asked did you just
that dress

Uncomfortable, talks about ppl, remarks

Susie SWANSON

Monday - reaching out to her

bet you & me conversation

Doesn't trust her - new innovations (Gail snapped

at Pat b/c she interrupted) you know

yesterday. I know. Don't call her, she was
in tears. Talked to one, another - sis

Putting each other

May - orientation mtg.

HR not prepared, resisting me

went to Zina's office. later upset
disrespected her. Why? You slammed books

down. One of the fire. also came to me
-Maribel (not me)

lack of integrity - proxy to calendar.

Pat gave proxy to her email to
Suzie.

Pat disclosed this to group

At staff mtg said at everyone present
I know you don't like TI (Johnny Intensive)

D. Brownstein wanted to know why
she was sitting out PJ

9/30 - do you know how much
Dr. 2 makes.

Thinks it's both (Suzie & Susan)

5 ppl (4 looking; bail wants to retire)

- a lot of changes too fast, not good mgr
skills

- heard about other by picked.

(She treated → Residents
- Not exciting anymore. } Sarcastic, demeaning
behavior

com
8/16/11

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

SUSAN ZONIA,

Plaintiff,

v.

CASE NO. 11-116369-CD
HON. JAMES M. ALEXANDERTRINITY HEALTH-MICHIGAN
d/b/a ST. JOSEPH MERCY
HOSPITAL, PONTIAC,
A domestic Corporation,

Defendant.

DEBORAH L. GORDON, PLC
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David B. Gunsberg ((24235)
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322 North Old Woodward Avenue
Birmingham, MI 48009
Telephone: 248.646.9090AFFIDAVIT

I have reviewed the attached notes taken which accurately reflect what I told Ane McNeil during the investigation of Susan Zonia. I adopt the attached notes as my true and accurate testimony regarding Susan Zonia.

Date: 8/17/2011

Print Name:

Susan L. Swanson
 Sign Susan L. Swanson

Subscribed and sworn to before me this

17th day of August, 2011.

Notary Public, State of Michigan

County of MacombMy commission expires: 12-16-2013Acting in the County of: Oakland

LUANN STRICKLAND
 NOTARY PUBLIC, STATE OF MI
 COUNTY OF MACOMB
 MY COMMISSION EXPIRES 12-16-2013
 COUNTY OF

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Susie Swanson ~ Ques.

9/30/10

11:20
pm

Day 1 Lit with everything

Dr. Zivica she is also 1. more I than any other dept & that's why Jack gives her more power. She wants a will never fire her.

Smelling like Alcohol in the morning

- Aug/ Sept Looking at calendar for next day
- said she had to work at the golf outing & had to present at golf. - in late next day
- always lying about where she is going

Jack is nothing but an uneducated Rep. weiner
- almost at every mfm mtg says this

- Jack running for rep. party

- Martha Hunter union & trying to shut them down.

- Imlay, Pres of Oakland Society told her she went out with Kathy & Barb (St. Georges) that's what she told Susie.

Barb (buzzer) showed up - can force Topsy, Curtin to drink. I need to see you Susie.

Jeff

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Dr R is on an indefinite leave. Good
I can't stand that bitch. You email
the ob team a team to contact
Zurra.

Suzie felt
she is

Always looking like the bad guy.

Tries to back-up staff but hard to do.

Fired this girl Alicia (old 112 B person - got
Doesn't like P. Stein to fire her so she
got the
went
quit).

- If Suzie doesn't do security she's afraid.
She would get fired. (Suzie felt intimidated by
Zurra)

- Aggressive & mean.

Ph.D always throwing that in their faces
- takes credit for things that Suzie

- Dr. Cotant makes too much \$\$\$ & not
to be friendly to him.

Both standing at Marci's desk when
she smelled like alcohol.

- goes into office & closes door

- told Marci & Suzie that

she drinks a bottle of wine

light. She's very cultural & very

3

in american is it looked down at.

- hosp needs her b/c she is on the
AOA committee

- Susie ^{walks} ~~comes~~ into office (52)

- on hotmail, lands ends, telbots
negligence every day.

- red computer all personal
- left meety land out to go
print boardly pass.

- meety rolling eyes, meaningless
- hated it

- nails 3X a week

At Imray's party

- buzzed said that man is
repulicant - I hate him
(louder than normal)

You need to stop going after every little
thing.

39

4

- Susan had input on the evals SW complet.

Susan wanted to fire Gail a 2:1
(hasn't received it)

She calls Susie her secretary

- has Susie schedule their
my secretary.

- tells residents talk to my

- secretary

- Come out w/ Pete (D.A.) "tell ppl I'm not a
marty at corporate."

leave 2 noon.

- doesn't work 40 hrs a wk,

on avg 25-30 hrs. doing it from
phone replying to email.

in Phys large talking to K Coburn

When she bought her phone had Susie

set-it up all day calling her & teasing
her how to use it.

Doesn't want to work w/ her. If she
comes back find a notice job for 5.5
feels this is big problem.

1480

5

Susie Samuels, Anne McNeil

9/30/10

Sept 8 a 9+L

- function was a 1/2 the night
- told her how much she drinks

3 bottles of wine.

- door closed

- left 2:15

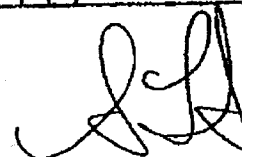
- leave w/ my headache

hunger
- hungry for more.

52 + OSW

Asked Personal questions about her husband?

- She has been w/ multiple partners
been w/ one my husband - will see
her long throat will last. Stupid decision.
- She has to hide her faith from Zion
because she thinks those that believe
in God are stupid. doesn't want SS to think
she is stupid.
- Made SS feel like she was intrusively
- I think my role is more important than
pat's. They wouldn't touch me.
- Ex husband, was carrying up a heavy piece
of furniture to her bedroom yesterday
to give him more than one blowjob
tonight (Shared this w/ SS)
- belittles Susie - Secretary, I don't fax
bags Susie will have to fax it.



41

6

- then would say good thing to her.
 - got SS to do dirty work. Susan
 to send her out and out for her.

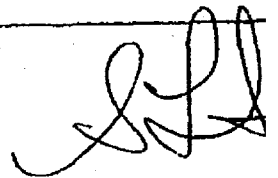
Deb needs to get laid

Hasn't heard from her today no
 contact.

- Discussed with SS the
 importance of keeping in from
 quite not to send out stuff

Afraid of Susan, real mean to her
 and others. Can't work for her
 anymore.

(Shaky, crying)



98

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

SUSAN ZONIA,

Plaintiff,

v.

CASE NO. 11-116369-CD
HON. JAMES M. ALEXANDER

TRINITY HEALTH-MICHIGAN
d/b/a ST. JOSEPH MERCY
HOSPITAL, PONTIAC,
A domestic Corporation,

Defendant.

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Carol Laughbaum (P41711)
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Bloomfield Hills, MI 48034
Telephone: 248.258.2500

LAW OFFICE OF DAVID B. GUNSBERG, P.C.
David B. Gunsberg (J24235)
Attorney for Defendant
322 North Old Woodward Avenue
Birmingham, MI 48009
Telephone: 248.646.9090

AFFIDAVIT

I have reviewed the attached notes taken which accurately reflect what I told Ane McNeil during the investigation of Susan Zonia. I adopt the attached notes as my true and accurate testimony regarding Susan Zonia.

Date: 8/15/11

Sign:

Print Name:

Patricia A. Davis
PATRICIA A. DAVIS

Subscribed and sworn to before me this

15th day of August, 2011
Adara L. Mission

Notary Public, State of Michigan

County of Oakland

My commission expires: 02-10-2014

Acting in the County of: Oakland

Received for Filing Oakland County Clerk 2011 SEP 16 AM 10:31

Received
3pm 9/30/10
from P. Davis
at

General Comments

- Wanted to throw away crucifix.
- Slams office door closed when overhead prayer comes on.
- Witnessed talking to Dr. Stein disrespectfully (sent memo to Dr. Bignotti a few years ago).
- Puts hand up to be dismissed when she wants to end conversation.
- Can hear swearing from other end of hall. ("Bastard" when hanging up phone.)
- Told Susie that Donna and I were friends and that I was given special treatment. Donna and I were friends before Donna became manager.
- Dr. Zonia is a vindictive person and this has been witnessed by all of us and experienced by me. Dr. Zonia cannot be taken at her word.

When Susie joined us, she asked for proxy to my calendar. When I did the proxy, I did not realize that I sent her my e-mails along with the calendar. At the time, Susie said I did it correctly. Susie opened and read my e-mails addressed to Donna. She passed this information on to Dr. Zonia. I did make some comments, (Susie was bland) and (her office looked like a shrine). I said Dr. Zonia was leaving early "again". I was brought in with Gary Rice and Susie to discuss. After discussion, I was told by Susie that I should have been fired for using the computer inappropriately and that I tried to sabotage her, which I did not. I apologized to Susie, wrote an apology letter to Susie and Dr. Zonia. It was agreed at the table that Susie and I would make a fresh start. It was suggested that I go to Team, which I did, and I had 4 coaching sessions with Susie.

For the last 6 months a fresh start did not happen. I have a 1st warning for my behavior about the e-mails. I received a 2nd warning for performance improvement. I was verbally given a warning for wearing an inappropriate blouse, and received a 3rd warning for insubordination, rudeness and negativity. I have been told by Susie that I am rude to my co-workers, faculty, residents, and outside vendors. I met with Ane McNeil 2x during this time period. It was at my insistence that you sign the disciplinary actions because I wanted you to know what was going on. I believe they were hiding it from you.

I have been told not to talk to anyone because I am on "thin ice". When I have been reprimanded by Susie or Dr. Zonia and have disagreed with them, they have said to me, "Are you calling me a liar"? I have been told numerous times in the last six months, by Susie and Dr. Zonia that Martha Murphy said "to just let her go". Dr. Zonia also told me that Dr. Bignotti said to "just let her go".

I have been intimidated, bullied, and harassed for the past 6 months. I have worked under a microscope daily afraid to being viewed as deficient. My health took a decline during this period of time. I was at the point where I was either going to take a medical leave, find another position, or hire an attorney.

I believe these write-ups by Susie were driven by Dr. Zonia, however, Susie played a big part in them as well.

My recent evaluation reflected the events of the last 6 months. I received a total of 2.4 for overall with a -0- in the section of Mission and Values. I have been employed for 33 years and never received a disciplinary action or bad evaluation. It's amazing to me that in 6 months time I have had three disciplinary write ups and one verbal disciplinary.

More detailed notes of the last six months are housed in the HR department.

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Had me sign off on positive feedback.

P.D.

4417

Pat Dark, Anne & Don

9/30/10 3pm

When she first arrived ^{25MD} wanted to throw
CROSS away

- closes door when prayer comes
- bastard (improved it at work)

- told SS that P was friends w/ Donna
- Szonia can't be trusted.

Prozy - to calendar did I do it right,
yes.

- Office looks like a shrine

- Bland Susie

- told by Susie she should have
been fired & it was sabotaged.

- Szonia - leaving early

- Not to talk to any of the other
girls or friends in any other dept

- are you calling me a liar

SZ.

- Several times MARTHA & Don let her
go. (Would tell Pat Martha & Don said
to let you go).

We saved your job (Susan & Susan Z.)

↓ Dr B said to let you go
(Bijmotti)

9/30/10
Martha & Don
letting these
things happen
all

P.P.

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-health issues

-believe right ups were driven by Susan?

-eval 2.4 D for minor values

8/13 met w/ Anne

Thurs Monday met w/ her positive improvement

70% Znic issue

30% Snare issue

Could work w/ snare if she needed to.

mpit style - micromanager inserts intelligence.

coming from

Went to snare w/ frustration

w/ Diacrok keeping him focused & SS went to Znic.

Thinks snare is afraid of her job - back peddling

feeling as though she is regretting her actions.

Suie

We really don't want to fire you pat.

Pat seems like she's really cool can't believe you haven't gone out for drinks before.

PP

3

Will give ppl the benefit of the doubt.

* If anyone asks how it went - call us.

Dr. Cotant, very concerned about Pat.

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P.P.
4720

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

SUSAN ZONIA,

Plaintiff,

v.

CASE NO. 11-116369-CD
HON. JAMES M. ALEXANDER

TRINITY HEALTH-MICHIGAN
d/b/a ST. JOSEPH MERCY
HOSPITAL, PONTIAC,
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Defendant.

DEBORAH L. GORDON. PLC
Deborah L. Gordon (P27058)
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33 Bloomfield Hills Parkway, Ste. 275
Bloomfield Hills, MI 48034
Telephone: 248.258.2500

LAW OFFICE OF DAVID B. GUNSBERG, P.C.
David B. Gunsberg ((24235)
Attorney for Defendant
322 North Old Woodward Avenue
Birmingham, MI 48009
Telephone: 248.646.9090

AFFIDAVIT

I have reviewed the attached notes taken which accurately reflect what I told Ane McNeil during the investigation of Susan Zonia. I adopt the attached notes as my true and accurate testimony regarding Susan Zonia.


Sign:

Date: August 15, 2011

MARIEL IAFRATE
Print Name:

Subscribed and sworn to before me this

15th day of August, 2011

Adara L. Mission

Notary Public, State of Michigan

County of Oakland

My commission expires: 02-10-2014

Acting in the County of: Oakland

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21
48

Maniel - Anne McNeil
latrate

9/30/10 1045,

Don't like talking negative about ppl. Very upset
about Susan. It is like a war.

Opposition by TH Valerius

3 days
Kenny

- If you got a taste it, it's
like cum-bye. Open about her
feelings.

- Negative attitude

- always god show calling again
(yelling)

- using Ex word loud

- I don't want to deal with ^{the} sprayer
he's annoying me.

- learn only last wk - what a waste of
time feeling like I'm
in elementary school

- party in back buying a party

- der. on. Research R. at Maniel's desk

- you react (what do you mean

- you react like smoke

- married and you are like a

- felt embarrassed by Susan's
actions

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hmk

2

49

Intimidated by her knock on door.
'yells yes' like your bothering her

- Filing nails
- Polishing nails
- ready magazine, no work on desk.

Will you call Bob about the toilet.
I have a PhD & I am missing
with this - makes you feel like
a nobody b/c she has PhD

Holiday had all leaving to go
- 'Ah - lets get this over
with'

- feeling like they are not - worth it

- Snatched clock in her hand - in the
morning (looks like she hung over)
- hair & dress

- tells ppl she practices all night
- twice. Smelly like alcohol
- comes in late 730 - 1000

- not feeling good.

- Couple months ago.

IRB - refuses projects on purpose. Think
they are funny. Residents 1st time
look for help. St. so p I don't know the
types. But she is reading magazine in

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No involves w/ IKB

- mailed letter packet

didn't feel like she looked at it

- she refuses to meet w/ inside

- asks Michael to talk w/ them

- says its a joke

Last xmas '09

Batman body (C. from head (52)

Gail hadn't gotten it

↓ w/ dollar store it was & Gail knew what the money was for.

Emails inappropriate

Don't emailed w/ like ... question from the director of the hospital
forward the message to all ...

Open also to:

- I want to show George's (mail job)

- Sex: going on trip & immediately it was a thing

lunch dates (17 guys in 17 days)

leaving work long lunch dates

Calling Rev. Moore an Fucking idiot
- Andie's

told everyone about PT's surgery
at home party. Debbie looks for
breast reduction. (No one knew)

Patly School Program directors all
had her

- at the party she said that Deb is
arranging a doc if so what I. not
her to do.

- Rude

After Susan got here she put on
an act for a while

- (Maid)
acts like she's getting
comments.

2 - Never seem mean or looked to make
comment - she has been making a living
in general - I have a PhD (make you
feel like your not good)

m

Frustrated w/ w/ long time ago
 She doesn't do anything in support

function better w/2. here she
 is very negative.

Felt supported by Susie Swanson
 - witness police

Dr Z. didn't know anything about Dr. Z.
 did.

— When no manager wanted - She didn't
 door closed, no support when they
 needed her

Susie came in and met w/ team.
 felt she had to address the concerns
 w/ 20 min.

- didn't feel that Susie was
 interested w/ looking out for
 a sharing with Zina

Thinks Susie is doing a good job.
 - hears Zina snap at Susie. One of
 office call my 'assistant'.

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Has Susie answer her calls &
Schedules appointments. Like a secretary

Relationship positive w/ people. Team w/ 100% - positive.

- Haven't shared specifics with Swanson

Dr. [unclear] - Resident physician, good
looky - always makes time
for them he brings her along

Dr. [unclear] would be come in & while
didn't have time to meet w/ them.

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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

SUSAN ZONIA,

Plaintiff,

v.

CASE NO. 11-116369-CD

HON. JAMES M. ALEXANDER

TRINITY HEALTH-MICHIGAN
d/b/a ST. JOSEPH MERCY
HOSPITAL, PONTIAC,
A domestic Corporation,

Defendant.

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Deborah L. Gordon (P27058)
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Telephone: 248.258.2500

LAW OFFICE OF DAVID B. GUNSBERG, P.C.
David B. Gunsberg ((24235)
Attorney for Defendant
322 North Old Woodward Avenue
Birmingham, MI 48009
Telephone: 248.646.9090

AFFIDAVIT

I have reviewed the attached notes taken which accurately reflect what I told Ane McNeil during the investigation of Susan Zonia. I adopt the attached notes as my true and accurate testimony regarding Susan Zonia.

Debra K. Reid
Sign Debra K. Reid
Print Name:

Date: 8/15/11

Subscribed and sworn to before me this

15th day of August, 2011
Adara L. Mason

Notary Public, State of Michigan

County of Oakland

My commission expires: 02-10-2014

Acting in the County of: Oakland

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55 2

Deb Reid

9/30/10

9:12 AM

Arie McNell

Seen an improvement in Zion's behavior since Snie boarded.

- doesn't work as close to Zion as others
- profanity used in office (f-word, ^{full word} bastard, ^{current} physician)
- Donna went to her & told her some have issue w/ profanity would say fuck like a regular word.
- In the past felt uncomfortable going to 52
 - didn't want to hear what you had to say, - hand up
 - snuff
 - asked Donna - 'does she not like me'

Didn't feel she was targeting her specifically but thought it was not a match (behavior)

- Issue was Evaluations

- 52 had input in evals

- Donna would tell Deb that she had trouble w/ 52 was negative.

- felt eval process was a joke because of Donna's comment re: 52.

- T

OK.

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2

This yrs eval had a comment regarding Gallup - 'not engaged in survey & bad thing to say'

A few yrs ago SZ said 'you need to find a best friend at work'

excuse me I thought Gallup was confidential. I don't call everyone a friend at work.

- felt it was inappropriate & inapp to call it out on eval.

- placed comment at the end of eval

- 3 positive sentences & 1 negative

- not a bad eval: told it was best in department. Didn't leave her feeling real good.

Doesn't know why she has seen a improvement in 2 yrs.

- coming in saying 'Morning & Bye'

- kinda nice

Not easily intimidated, not respected & well received - Susan 2

Donna & Susie - open door policy

Susie not trusting right now but she's trying.

OK.

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3

- Group holiday luncheon - feeling last night was - not having to sit with her family as though she wanted to be there (S)

- Susie - tough spot, having to align with Zoria being right.

- Johnny & GB & someone who doesn't believe & live that. Why are they here.

Others have told Deb

- putting down religion
+ sex discussions

felt Zoria was cautious w/ her because of her (Deb's) beliefs.

feels comfortable & supported by Susie.
- building trust

Attributing change in Susie to Susie holding her accountable.

DR

STATE OF MICHIGAN

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Attorney for Defendant
322 North Old Woodward Avenue
Birmingham, MI 48009
Telephone: 248.646.9090

AFFIDAVIT

I have reviewed the attached notes taken which accurately reflect what I told Ane McNeil during the investigation of Susan Zonia. I adopt the attached notes as my true and accurate testimony regarding Susan Zonia.

Deneen McCall
Sign:
Deneen mscall
Print Name:

Date: 8-15-2011

Subscribed and sworn to before me this

15th day of August, 2011
Adara L. Mission

Notary Public, State of Michigan

County of Oakland

My commission expires: 02-10-2014

Acting in the County of: Oakland

Received for Filing Oakland County Clerk 2011 SEP 16 AM 10:31

5-9 2

Area Don

Deneen McCall

9/30/10 9:45
10:40

S2 - dismissive hand-up

calls RJ a bitch

Dinciek idiot

mentions who she doesn't like

- walks in while doing her nails

- door majority of the time closed

- desk clear ready ^{you're my} when you would come in here when I am ^{going} ~~in~~

- left on business time to meet men for dates

- she told Deneen

- Oct/Nov 09

When SS first came (Pat wasn't here)

What can I do to help you. Deneen didn't say anything - in fear

- went into Zorn's office told her everything Feb

Since then it's been bad

2009: Gone for 2 1/2 hrs left early home to get ^{ready} ~~ready~~ ^{my} ~~my~~ ^{date}

- Pat Davis harassed by the both

- Susan became friends w/ Zorn (text after hrs)

- Malloy & Kahn - doesn't like them & would do what she can to get rid of them

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Received for Filing Oakland County Clerk 2011 SEP 16 AM 10:31

-if she likes you- she tells you everything

shared personal info - too much ~~\$\$~~

- divorces

- one penn too old

- 17 dates in 17 days

- rich man but too old he's a bastard

heard her tell Susie at OME mtg

- told Susie to reschedule mtg

w/ PJ availability first time she

- faculty complaining to many students - ^{from the dept} they can't get ^{it}

- I don't care who's in service I just

want the money. Doesn't care about students as long as they are paying big bucks.

- Dr Yanez & Deneen went to 52

6 months ago

- female student harassed by physician (Grewal)

- what was your mother saying. other comments

2 months ago - another incident (Dr (r) making the fee)

stupid, charged services - Dr. Kahn talked ^{to Dr. D.} Dr. 2 I'll talk ^{to}

- AVA student lawsuit - 52 got ^{to} play ^{new}

mad b/c she wouldn't answer the question the way she wanted.

- Dr. Yanez found out

2

Was student good rep of the AUA prof

-Dennis I am not certain

Dr Vany was told by Zonia he said
Dennis wouldn't know.

Would stop students from applying - would give
bad reference.

Shared with Donnan the details

• Zonia 'She'll be okay acts like the
skin is falling!'

Favritem towards Maricel

-Susie

-Susan

(fielded by Susan or
sometimes Susan)

-became who you talk too

-Susie playing each against one another

52

useful word
Same attitude, F word, dismisses you,
texting on phone, in meeting

-Not a sensitive person.

-JI - stupid scenarios, con games

-in other mts (leadership mts, spirit mts)

62 3

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feels Susie was trying to impress
Susan

52 told - Only reason why she has the job is
Deneen b/c Susie keeps protecting her v. ally
her

- Was not in favor of the group session

- 9/30/10 asked Susie why did you take
these issues to Zinnia - felt like
she/they were sold out.

- everything confidential - would probe
Deneen (she wouldn't talk)

- what if I told you someone told me
you were looking to leave. (felt like she
was trying to probe.)

- Susie some things will be changing (duties
Deneen would do were passed to Deneen)

8

Dr Silverglad - program director of surgery
2007

- would talk to him in a demanding way
- she will do what she can to get him out - she wanted his office

Warning

Prayer Coverhead - do we all have to listen to this.

I have friends in every dept. all men & I know this

- afraid to come to b/c of Zorn's comments
- feels Susie & Susan pin ppl against each other. Divide & conquer.
- Good relationship w/ Peers

You need to speak up, now is the time.
Everything I did came from Dr Zorn.
Dum - felt she was back peddling

- Deb Reid told her she was not going to let me go to talk to Anna.
- felt Susie was pushing to have a group mtg. she said when your mtg w/ Ann I will be

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in there.

Feels like Susie is trying to cover herself

- I fought hard for you all (When MMA
DB corrig ↑)

- Doesn't feel Susie supports her.

- Doesn't feel she can trust Susie, b/c
of previous behavior.

Susie continues to ask Denise to talk
to her - conversation confidential

Denise would tell her, no.

Susie's (May/June '10)

Change to orientation for new residents

- no one was opposing it just
talking about previous orientation
sessions

- then went to Znic

- later came back & said 'I feel
you all were unfair to me & attack
it wasn't only her but then she
came to her & Znic

- Mariel said 'not me'.

seems very stressed. Grindy teeth, looking for another job.

Exhibit 7-

Susan Zonia
7/15/2011

2 (Pages 2 to 5)

Page 2

Page 4

1 APPEARANCES:

2 CAROL LAUGHBAUM P41711

3 Deborah L. Gordon, PLC

4 33 Bloomfield Hills Parkway

5 Suite 275

6 Bloomfield Hills, Michigan 48934

7 (248) 258-2500

8 Appearing on behalf of the Plaintiff.

10 DAVID B. GUNSBERG P24235

11 Law Office of David R. Gunsberg

12 322 North Old Woodward Avenue

13 Birmingham, Michigan 48009

14 (248) 646-9090

15 Appearing on behalf of the Defendant.

17 ALSO PRESENT:

18 Martha Murphy

19 * * *

1 Birmingham, Michigan

2 Friday, July 15, 2011

3 10:36 a.m.

4 SUSAN ZONIA,

5 having first been duly sworn, was examined and testified

6 on her oath as follows:

7 MR. GUNSBERG: Good morning. Would you give

8 the court reporter your full name, please?

9 THE WITNESS: My full name is Susan Catherine

10 Zonia, Z O N I A.

11 MR. GUNSBERG: This is the deposition of the

12 plaintiff, Susan Zonia, in the captioned matter taken

13 pursuant to notice for this time and place.

14 EXAMINATION BY MR. GUNSBERG:

15 Q. Ms. Zonia, have you had your deposition taken
16 previously?

17 A. Not in this case, but yes.

18 Q. How many times before?

19 A. Once before.

20 Q. And what was that matter that you were deposed in?

21 A. That was a matter concerning a student that rotated at

22 St. Joseph Mercy Oakland Hospital in which Mr. Gunsberg

23 represented me and the hospital in the complaint that

24 the student filed.

25 Q. Do you know what years that lawsuit was active?

Page 3

Page 5

1 TABLE OF CONTENTS

2 Witness Page

3 SUSAN ZONIA

4 EXAMINATION BY MR. GUNSBERG

7 INDEX TO EXHIBITS

8 (No exhibits)

10 Exhibit Page

1 A. I'm going to guess. I believe it was 2007, perhaps
2 2008.3 Q. And the lawsuit was -- eventually it was dismissed by
4 the court?

5 A. Correct.

6 Q. And did Mr. Woodward appeal; if you know?

7 A. To the best of my knowledge, he has appealed.

8 Q. Do you know the outcome of the appeal?

9 A. I believe it was also dismissed.

10 Q. The appeal was dismissed?

11 A. I believe it was but I'm not certain.

12 Q. Did you do anything to prepare for the deposition today,
13 review any documents, review any notes or records, talk
14 to anybody?15 A. When the depositions -- the transcripts from Becky
16 Herner and Bill Jewell were first sent out, I glanced at
17 them because I had never looked at a deposition before,
18 probably spent about ten minutes on it since I had been
19 present when the depositions were given.20 I also met with my counsel, Ms. Laughbaum,
21 earlier this week. And she simply reminded me of the
22 form and content of giving a deposition.23 Q. Okay. You understand that I'm asking you questions and
24 that you should try to let me finish my question before
25 you answer.

Susan Zonia

7/15/2011

3 (Pages 6 to 9)

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1 A. Correct.
 2 Q. And I'll try to let you finish your answer before I ask
 3 another question.
 4 A. Correct. I understand.
 5 Q. If you think I've interrupted you, you'll let me know so
 6 I can let you finish the answer. Okay?
 7 A. Thank you, yes.
 8 Q. If you don't understand a question I ask you or you
 9 disagree with the question or the form of the question,
 10 would you let me know that so I can try to ask the
 11 question in a different way?
 12 A. Yes, I will do that.
 13 Q. Please try to say yes or no or I don't know or answer
 14 verbally otherwise -- as opposed to um-hmm
 15 (affirmatively) or uh-huh (negatively) or nods of the
 16 head because the court reporter can't take that down.
 17 Okay?
 18 A. Yes, I understand.
 19 Q. And sometimes I talk in a sort of lurching way so you
 20 can't tell when I'm finished. And so give me a chance
 21 to try and finish the question so we don't step on each
 22 other with your jumping in to answer before I finish.
 23 Okay?
 24 A. Yes. I understand.
 25 Q. Did you review any of the documents that were produced

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1 in this case by the defendant?
 2 A. Yes, I did many -- several weeks ago. I couldn't give
 3 you an exact date but when they came to my counsel, I
 4 was asked to come in and review them.
 5 Q. Did those documents include notes of witness interviews
 6 that had been done during an investigation that was
 7 conducted in the September, 2010, time frame?
 8 A. Yes.
 9 Q. Did you review any other notes or documents, for
 10 instance, notes that you kept yourself while you were
 11 employed at St. Joe?
 12 A. Yes.
 13 Q. Have you produced all of those documents to us in this
 14 case?
 15 A. Yes.
 16 Q. Did you keep any kind of a calendar or diary while you
 17 worked at St. Joe where you wrote down either meetings
 18 or significant events or things that people said, things
 19 like that?
 20 A. Yes.
 21 Q. Do you have such a diary or calendar?
 22 A. I don't because it was -- those notes were made on my
 23 office computer.
 24 Q. Did you keep a copy of those elsewhere?
 25 A. No, I did not.

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1 Q. Did you have a personal computer, that is a computer in
 2 addition to your office computer, where you maintained
 3 notes or diaries or calendar entries, that type of
 4 thing?
 5 MS. LAUGHBAUM: Let me clarify, you're asking
 6 other than what she might have prepared for counsel, I
 7 presume.
 8 BY MR. GUNSBURG:
 9 Q. Well, while you were employed at St. Joe, did you
 10 prepare any documents for counsel?
 11 A. While I was employed at St. Joe's did I prepare any
 12 documents for counsel?
 13 MS. LAUGHBAUM: Or in --
 14 MR. GUNSBURG: For a lawyer.
 15 MS. LAUGHBAUM: Or in anticipation, I think is
 16 fair.
 17 THE WITNESS: Oh, I didn't anticipate
 18 litigation, so no.
 19 BY MR. GUNSBURG:
 20 Q. So while you were employed at St. Joe, did you keep any
 21 notes or records like on a diary or calendar, on a
 22 personal computer, notes or records related to your job?
 23 A. The only thing that I had on a personal computer were
 24 particularly nice notes from support staff that I sent
 25 to my own E-mail account, hot mail. And I have produced

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1 those for counsel since they were in my possession. The
 2 other notes are not in my possession.
 3 Q. So your testimony is that you took the nice notes and
 4 you sent those over to your personal computer but any
 5 other notes or records you did not?
 6 A. No, I did not.
 7 Q. Where do you live?
 8 A. I live at 1372 Devon Lane in Troy.
 9 Q. How long have you lived there?
 10 A. Almost two years.
 11 Q. Is that a house or a condo?
 12 A. It's a condo.
 13 Q. Do you own the house or the condo?
 14 A. Yes.
 15 Q. Is it paid off? In other words, did you pay cash for
 16 it?
 17 A. I have a mortgage.
 18 Q. Has anybody ever foreclosed or threatened foreclosure on
 19 the mortgage?
 20 A. No.
 21 Q. The mortgage is up-to-date?
 22 A. Correct.
 23 Q. And where did you live before that?
 24 A. I lived in Novi, 25854 Lochmoor Lane, Novi.
 25 Q. And why did you move?